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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-544**

13 **KOWANA M. STRONG**  
14 **aka Kowana Michelle Carr**

**ACCUSATION**

15 **630 Eldridge Street**  
16 **Vacaville, CA 95688**  
**Registered Nurse License No. 489762**  
**Public Health Nurse License No. 52860**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs.

24 2. On or about March 31, 1993, the Board of Registered Nursing issued Registered  
25 Nurse License Number 489762 to Kowana M. Strong, aka Kowana Michelle Carr,

26 ("Respondent"). The Registered Nurse License was in full force and effect at all times relevant to  
27 the charges brought herein and expired on November 30, 2010, and has not been renewed.

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3. On or about November 14, 1994, the Board of Registered Nursing issued Public Health Nurse License Number 52860 to Respondent Kowana M. Strong, aka Kowana Michelle Carr. The Public Health Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on November 30, 2010, and has not been renewed.

## JURISDICTION

4. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part that “[t]he lapsing or suspensio of a license by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such license, or to render a decision suspending or revoking such license.”

## RELEVANT STATUTES AND REGULATIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."

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8. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by

1 a competent registered nurse. Such an extreme departure means the repeated failure to provide  
2 nursing care as required or failure to provide care or to exercise ordinary precaution in a single  
3 situation which the nurse knew, or should have known, could have jeopardized the client's health  
4 or life."

5 9. California Code of Regulations, title 16, section 1443, states:

6 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the  
7 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and  
8 exercised by a competent registered nurse as described in Section 1443.5."

9 10. California Code of Regulations, title 16, section 1443.5 states:

10 "A registered nurse shall be considered to be competent when he/she consistently  
11 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
12 sciences in applying the nursing process, as follows:

13 "(1) Formulates a nursing diagnosis through observation of the client's physical condition  
14 and behavior, and through interpretation of information obtained from the client and others,  
15 including the health team.

16 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and  
17 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and  
18 for disease prevention and restorative measures.

19 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health  
20 treatment to the client and family and teaches the client and family how to care for the client's  
21 health needs.

22 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
23 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
24 effectively supervises nursing care being given by subordinates.

25 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical  
26 condition and behavior, signs and symptoms of illness, and reactions to treatment and through  
27 communication with the client and health team members, and modifies the plan as needed.

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"(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

## COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## STATEMENT OF FACTS

12. At all relevant times, Respondent was employed as a Public Health Nurse at the California Department of Corrections and Rehabilitation (“CDCR”), at California State Prison (“CSP”) in Solano. Part of Respondent’s duties was to ensure compliance with the CDCR’s policies and procedures to prevent and control the transmission of communicable diseases.

13. In January 2008, an inmate in Building 14 at CSP Solano was diagnosed with Tuberculosis. ("TB").

14. Ten employees at CSP Solano were identified as having had close contact with the infected inmate and thus at high risk for contracting TB. Respondent was responsible for conducting and/or ensuring that these employees underwent an immediate "contact investigation" which was to include an interview regarding symptoms of TB, initial testing for TB, with follow up testing 8-10 weeks later.

15. Respondent assured the CDCR that all at risk employees had undergone a completed “contact investigation.” However, subsequently in June 2008, Respondent admitted that the CSP Solano employees had not been re-tested for TB, as she had been previously represented.

16. Prior to January 2008, CSP Employee 1, was a correctional officer in Building 14 at CSP Solano. In January 2008, she had a negative Tuberculosis test as part of her annual physical. Employee 1 was interviewed in February 2008, regarding the inmate who tested

1 positive for TB. No questions were asked as to her having any signs and/or symptoms of TB.  
2 Employee 1 was never re-tested for TB.

3 17. In March 2008, Employee 1 began displaying symptoms consistent with TB. On or  
4 about June 13, 2008, she was diagnosed with TB by her private physician. Employee 1 was  
5 quarantined and underwent treatment for TB that was not completed until December 2008.  
6 Other household members were exposed to TB and converted to having a positive TB test and/or  
7 underwent prophylactic treatment for TB.

#### 8 FIRST CAUSE FOR DISCIPLINE

9 (Gross Negligence/Incompetence – Failure to Conduct Mandated “Contact Investigation”)

10 18. Respondent is subject to disciplinary action for gross negligence and/or incompetence  
11 under Code section 2761, subdivision (a)(1), in that she failed to conduct and/or ensure that a  
12 “contact investigation” had been completed on all CSP Solano employees who were identified as  
13 being at risk of contracting TB. Respondent’s omissions resulted in Employee 1 exposing TB to  
14 other employees and inmates at CSP Solano, as well as to the public at large. Respondent’s  
15 omissions further caused a delay in the diagnosis and treatment of Employee 1. The  
16 circumstances for this cause for discipline are set forth above in paragraphs 12 through 17.

#### 17 SECOND CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct- Dishonesty Regarding Compliance with “Contact Investigation”)

19 19. Respondent is subject to disciplinary action for unprofessional conduct under Code  
20 section 2761, subdivision (a), in that she dishonestly represented to CDCR that “contact  
21 investigations” had been completed on all at risk CSP Solano employees, when in fact no follow  
22 up TB testing was performed on these employees. The circumstances for this cause for discipline  
23 are set forth above in paragraphs 12 through 17.

#### 24 PRAYER

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking or suspending Registered Nurse License Number 489762, issued to  
28 Kowana M. Strong, aka Kowana Michelle Carr.

2. Revoking or suspending Public Health Nurse License Number 52860, issued to Kowana M. Strong, aka Kowana Michelle Carr.

3. Ordering Kowana M. Strong, aka Kowana Michelle Carr, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3.

4. Taking such other and further action as deemed necessary and proper.

DATED:

12/16/10

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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